

REMARKS

Applicants wish to thank the Examiner for considering the present application. In the Final Office Action dated November 24, 2004, claims 1-18 are pending in the application. Applicants respectfully request the Examiner to reconsider the rejections.

Claims 1-13 and 16-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Chubb* (6,593,849). Applicants respectfully traverse.

The *Chubb* reference teaches a method for using various sensors for determining wheel lift of the vehicle. Some claims of the *Chubb* reference are directed to determining the normal forces acting on the wheel as a function of various sensors. In response to the normal forces acting on the wheel, a determination whether the wheels have lifted may be determined. The determination of the normal forces is an indirect measurement of the roll condition. No teaching or suggestion is found in the *Chubb* reference for determination of specific angles.

Upon appeal, Applicants will highlight the following points set forth by the Examiner. First, no teaching or suggestion is provided in the *Chubb* reference for determining a relative roll angle. Each of the claims of the present application describes determining a relative roll angle. As described in the last Office Action, the relative roll angle is illustrated in Fig. 2. The definition for the relative roll angle is set forth in paragraph 39 which states that the relative roll angle is the angle between the wheel axle and the body. For determining a relative roll angle the Examiner points to Col. 4, line 60, through Col. 5, line 2. Applicants have reviewed these sections and can only find the teaching of a normal force attributable to lateral acceleration in the formula in that passage.

Second, claim 1 also recites the step of "when the relative roll angle reaches a threshold, initiating a wheel departure angle determination. Because no relative roll angle is taught, no relative roll angle reaching a threshold is also taught. Also, no teaching or suggestion is provided for the wheel departure angle. The Examiner states that the wheel departure angle is clearly illustrated in Fig. 1 and also Col. 2, lines 43-49. Applicants have reviewed Fig. 1 and

Col. 2, lines 43-49, and can find no teaching or suggestion of a wheel departure angle determination. The wheel departure angle is also illustrated in Fig. 2., the definition of which is set forth in paragraph 39. The wheel departure angle is set forth as the angle from the axle or wheel axis to the road surface. Again, this is a specifically defined angle.

Third, claim 1 also recites controlling a safety system in response to the wheel departure angle. The *Chubb* reference determines the normal load or wheel lift. No specific wheel departure angle is determined and therefore controlling a safety system in response to the wheel departure angle is also not set forth.

Independent claim 10 is similar to claim 1 in that a relative roll angle is also taught. Also, claim 10 recites that when the relative roll angle reaches a threshold and the vehicle is in a transition initiating a wheel departure angle determination. Again, the wheel departure angle and the relative roll angles are both not taught or suggested in the *Chubb* reference. Further, because the wheel departure angle is not taught, a roll signal for control determined in response to the wheel departure angle is also not taught.

With respect to claim 13, determining a relative roll angle is also taught. This is not taught or suggested as described above with respect to claims 1 and 10. No teaching or suggestion is found in the *Chubb* reference for increasing the roll signal for control to a boosted roll signal for control in response to determining a double wheel lift and the relative roll angle.

Claim 16 recites applying brake pressure to prevent rollover. Applicants respectfully submit that applying brake pressure to prevent rollover is common. What is not common is the determination that the vehicle is bouncing. Applicants can find no teaching in Col. 2, lines 52-65, that the vehicle is bouncing. A specific determination that the vehicle is bouncing is set forth in claim 16 of the present application. Claim 16 also recites holding the brake pressure when the vehicle is bouncing. Without such a determination, the brake pressure would be applied and discontinued as the wheel touches and leaves the pavement. That is, the *Chubb* reference would determine the normal forces at the various times and because the vehicle is on the

ground (albeit only briefly) application of braking would cease. This claim advantageously allows the vehicle brake system to maintain the application of brakes while the vehicle is bouncing. Applicants respectfully submit that this contrary to the *Chubb* reference and therefore claim 16 is also believed to be allowable.

The dependent claims are also believed to be allowable for the same reasons set forth above.

Applicants would like to avoid appeal and therefore Applicants respectfully request the Examiner to contact the undersigned should any of the above remain unclear.

In light of the above remarks, Applicants submit that all rejections are now overcome and the application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, he is respectfully requested to call the undersigned attorney.

Please charge any fees required in this filing to deposit account 06-1510 or, if insufficient funds in that account, use deposit account 06-1505.

Respectfully submitted,



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